

PATENT  
Attorney Docket No. 414634  
Sent Via Facsimile

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Larry M. Proctor	Examiner	McElwain, Elizabeth
Serial No.	09/773,303	Group Art No.	1638
Filed	January 31, 2001	Confirmation No.	1900
For	Field Bean Cultivar Named Enola		

July 13, 2006

Mail Stop 16  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
IMPROPER CHARGE OF DEPOSIT ACCOUNT

Dear Sir:

## I. REFUND REQUEST

This is a request for a refund in the amount of \$905.00 with respect to the charges to Deposit Account 12-0600, shown on the statement dated November 2005, for the above-identified patent application.

## II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

\$395.00 for filing a Request for Continued Examination.

\$510.00 for Extension Fee.

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The charge of \$395.00 posted November 18, 2005, appears to be duplicative of the October 19, 2005 charge.

The charge of \$510.00 posted November 18, 2005, appears to be duplicative of the October 19, 2005 charge.

## IV. MANNER OF REFUND

Please make refund of \$905.00 crediting Account No. 12-0600.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Lee", is written over a horizontal line.

David J. Lee, Reg. No. 41,935

LATHROP & GAGE LC

4845 Pearl East Circle

Suite 300

Boulder, CO 80301

Telephone: (720) 931-3000

Facsimile: (720) 931-3001

10/12 186 78730811	434499	7001	\$325.00	\$46,552.7
10/12 431 78730920	434505	7001	\$325.00	\$46,227.7
10/13 107 78473384	5480-9	6001	\$375.00	\$45,852.7
10/13 1653 78327356	413502/BILLING 304760	7003	\$100.00	\$45,752.7
10/14 10 10696373	412589	2202	\$25.00	\$46,727.7
10/14 63 2361921		6205	\$100.00	\$45,627.7
10/14 64 2361921		6208	\$200.00	\$45,427.7
10/14 88 60588177	421192	2052	\$25.00	\$45,402.7
10/14 294 78732712	432442	7001	\$325.00	\$45,077.7
10/17 124 78733546		7001	\$325.00	\$44,752.7
10/17 149 78733652		7001	\$325.00	\$44,427.7
10/17 249 78733603		7001	\$325.00	\$44,102.7
10/17 320 78733642	366911 (13.1)	7001	\$325.00	\$43,777.7
10/17 330 78733649	366911 (12.1)	7001	\$325.00	\$43,452.7
10/17 1072 78279639		7004	\$150.00	\$43,302.7
10/18 2 10684609	413333	2402	\$250.00	\$43,052.7
10/18 4 10436514	407271	2201	\$100.00	\$42,952.7
10/18 4 10966834	421833	8007	\$20.00	\$42,932.7
10/18 6 11112459	421832	8007	\$20.00	\$42,912.7
10/18 39 29222651	432107	2502	\$400.00	\$42,512.7
10/18 39 10325129	406615	2202	\$60.00	\$42,462.7
10/18 40 10325129	406615	2201	\$100.00	\$42,362.7
10/18 41 10325129	406615	2251	\$60.00	\$42,302.7
10/18 82 2289901		7205	\$100.00	\$42,202.7
10/18 83 2289901		7208	\$200.00	\$42,002.7
10/18 93 10684609	413333	2254	\$795.00	\$41,207.7
10/18 107 E-REPLENISHMENT		9203	-\$19,148.00	\$60,355.7
10/18 146 1950906		7205	\$100.00	\$60,255.7
10/18 147 1950906		7201	\$400.00	\$59,855.7
10/18 172 78654453	442277/BILLING 441357	8507	\$15.00	\$59,840.7
10/18 181 6498994	393216	1811	\$100.00	\$59,740.7
10/18 186 6496787	387730	1811	\$100.00	\$59,640.7
10/18 263 PCT/US05/35231	441592	1601	\$300.00	\$59,340.7
10/18 284 PCT/US05/35231	441592	1704	\$2,075.00	\$57,265.7
10/18 265 PCT/US05/35231	441592	1702	\$1,211.00	\$56,054.7
10/18 266 PCT/US05/35231	441592	1703	\$26.00	\$56,028.7
10/18 267 PCT/US05/35231	441592	8007	\$20.00	\$56,008.7
10/18 545 78297157	423632	7003	\$100.00	\$55,908.7
10/18 1884 78735334		7007	\$275.00	\$55,633.7
10/19 17 PCT/US05/33929	441314	8007	\$20.00	\$55,613.7
Initial and correct charges.				
10/19 57 08773303	19742-001	2801	\$395.00	\$55,218.7
10/19 58 09773303	19742-001	2253	\$510.00	\$54,708.7
10/19 72 1369515		6205	\$100.00	\$54,608.7
10/19 73 1369515		6201	\$400.00	\$54,208.7
10/19 145 10813993	420229	1251	\$120.00	\$54,088.7
10/19 157 6446404	394086	2551	\$450.00	\$53,638.7
10/20 5 78473522	5480-3	6001	\$375.00	\$53,263.7
10/20 17 74615625	328332	8521	\$40.00	\$53,223.7

11/16 183 5759745	412753	2552	\$1,150.00	\$35,187.50	
11/17 112 11273642	442502	2011	\$150.00	\$35,037.50	
11/17 113 11273642	442502	2111	\$250.00	\$34,787.50	
11/17 114 11273642	442502	2311	\$100.00	\$34,687.50	
11/17 115 11273642	442502	2202	\$50.00	\$34,637.50	
11/17 197 10043752	292150	1501	\$1,400.00	\$33,237.50	
11/17 198 10043752	292150	1504	\$300.00	\$32,937.50	
11/17 203 10658309		2501	\$700.00	\$32,237.50	
11/17 204 10658309		1504	\$300.00	\$31,937.50	
11/17 238 11273364	438450	2011	\$150.00	\$31,787.50	
11/17 239 11273364	438450	2111	\$250.00	\$31,537.50	
11/17 240 11273364	438450	2311	\$100.00	\$31,437.50	
11/17 241 11273364	438450	2201	\$200.00	\$31,237.50	
11/17 242 11273364	438450	2202	\$400.00	\$30,837.50	
11/17 523 2291971	410339	7205	\$200.00	\$30,637.50	
11/17 524 2291971	410339	7208	\$400.00	\$30,237.50	
11/17 542 76661011	430189	7004	\$150.00	\$30,087.50	
11/17 650 78755507	438817	7001	\$325.00	\$29,762.50	
11/17 1753 78756043	434568	7001	\$650.00	\$29,112.50	
11/18 1 10147633	71789/47653.	2201	\$100.00	\$29,012.50	
11/18 13 E-REPLENISHMENT		9203	-\$9,072.50	\$38,085.00	
Duplicate charges of October 19, 2005	11/18 145 09773303	19742-001	2801	\$395.00	\$37,690.00
	11/18 146 09773303	19742-001	2253	\$510.00	\$37,180.00
	11/21 47 6476014	391729	2551	\$450.00	\$36,730.00
	11/21 263 6405879	365835	2551	\$450.00	\$36,280.00
	11/22 7 6950493	423158	1811	\$100.00	\$36,180.00
	11/22 126 5313957	403465	2553	\$1,900.00	\$34,280.00
	11/22 182 10684609	413333	2814	\$65.00	\$34,215.00
	11/22 222 10684609	413333	2814	\$65.00	\$34,150.00
	11/22 440 78758504		7001	\$325.00	\$33,825.00
	11/22 462 78758511		7001	\$325.00	\$33,500.00
	11/22 476 78758520		7001	\$325.00	\$33,175.00
	11/22 514 78758537		7001	\$325.00	\$32,850.00
	11/22 542 78758556		7001	\$325.00	\$32,525.00
	11/22 588 78758567		7001	\$325.00	\$32,200.00
	11/22 1257 78758911	439504	7001	\$325.00	\$31,875.00
	11/22 1592 2293773		7205	\$100.00	\$31,775.00
	11/22 1593 2293773		7206	\$100.00	\$31,675.00
	11/23 4 09505821	9229/002	2801	\$395.00	\$31,280.00
	11/23 5 09505821	9229/002	2252	\$225.00	\$31,055.00
	11/23 86 29202522	420031	2502	\$400.00	\$30,655.00
	11/23 87 29202522	420031	8001	\$30.00	\$30,625.00
	11/23 215 11283636	441916	2011	\$150.00	\$30,475.00
	11/23 216 11283636	441916	2111	\$250.00	\$30,225.00
	11/23 217 11283636	441916	2311	\$100.00	\$30,125.00
	11/23 218 11283636	441916	2201	\$200.00	\$29,925.00
	11/25 25 11283938	443267	1011	\$300.00	\$29,625.00
	11/25 26 11283938	443267	1111	\$500.00	\$29,125.00



**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)**  
**FY 2005**

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

414634

Application Number 09/773,303

Filed January 31, 2001

For **FIELD BEAN CULTIVAR NAMED ENOLA**

Art Unit 1638

Examiner McElwain, Elizabeth F.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	<u>\$510</u>
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to

Deposit Account Number 12-600. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

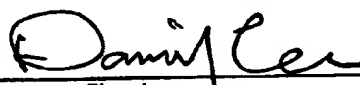
☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 41,935

☐ attorney or agent under 37 CFR 113.58/2005 CHNGUYEN 00000097 120600 09773303

Registration number if acting under 37 CFR 1.294 02 FC:2253 510.00 DA

  
\_\_\_\_\_  
Signature  
David J. Lee  
\_\_\_\_\_  
Typed or printed name

\_\_\_\_\_  
October 14, 2005  
Date  
\_\_\_\_\_  
720 931 3021  
Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Adjustment date:

10/19/2005 HLE333 00000045 120600 09773303  
02 FC:2253 510.00 CR

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment Date: 07/26/2006 SDIRETA1  
10/19/2005 HLE333 00000045 120600 09773303  
01 FC:2801 395.00 CR  
02 FC:2253 510.00 CR



10/14/05

# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	00/006,892 <b>09/773803</b>
Filing Date	12/20/2000
First Named Inventor	Proctor, Larry M.
Art Unit	1638
Examiner Name	McElwain, Elizabeth F.
Attorney Docket Number	414634

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)

- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Appendix A, Certificate of Mailing, Postcard

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-0600. I have enclosed a duplicate copy of this sheet.

- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**RECEIVED  
OIPE/AP**

**NOV 18 2005**

11/18/2005 CNGUYEN 00000097 120600 09773343  
01 FC:2801 395.00 DA

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	October 14, 2005
Name (Print /Type)	David J. Lee	Registration No. (Attorney/Agent)	41,935

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	October 14, 2005
Name (Print /Type)	MiMi Nguyen		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

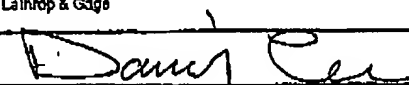
<b>CERTIFICATE OF FACSIMILE TRANSMISSION 37 CFR 1.8</b>			<b>Matter No.</b>
Applicant(s): Larry M. Proctor			414634
<b>Serial No.</b>	<b>Filing Date</b>	<b>Examiner</b>	<b>Group Art Unit</b>
09/773,303	January 31, 2001	Elizabeth F. McElwain	1638
Invention      Field Bean Cultivar Named Enola			
<p>I hereby certify that the following: Certificate of Facsimile Cover Sheet (1 page); Transmittal Form (1 page); Request for Refund Improper Charge of Deposit Account (2 pages), and Copy of Monthly Statements of Deposit Account (2 pages), are being sent via facsimile transmission to (571)273-6500, c/o the Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14th day of July, 2006.</p>			
<p>Melissa Smith Name of Transmitter</p>			
<p>Melissa Smith Signature of Transmitter</p>			
<p>(816)292-2001 Facsimile No.</p>			

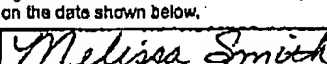
PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0351-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/773,303
	Filing Date	January 31, 2001
	First Named Inventor	Larry M. Proctor
	Art Unit	1636
	Examiner Name	Elizabeth F. McElwain
Total Number of Pages in This Submission	Attorney Docket Number	414634

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Facsimile Request for Refund Improper Charge of Deposit Account Copy of Monthly Statement of Deposit Account
<b>Remarks</b>  		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Lathrop & Gage		
Signature			
Printed Name	David J. Lee		
Date	July 14, 2006	Reg. No.	41,635

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Melissa Smith	Date	July 14, 2006

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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